



DEPARTMENT OF ENERGY
 Environmental Management Los Alamos Field Office (EM-LA)
 Los Alamos, New Mexico 87544

EMLA-23-508-2-1

Date: July 31, 2023

Mr. Rick Shean
 Designated Agency Manager
 Hazardous Waste Bureau
 New Mexico Environment Department
 2905 Rodeo Park Drive East, Building 1
 Santa Fe, NM 87505-6313

Subject: EM-LA Response to Notice of Disapproval, Chromium Interim Measures and Characterization Work Plan

Dear Mr. Shean:

The U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) is in receipt of the New Mexico Environment Department (NMED) Hazardous Waste Bureau's "Notice of Disapproval, Chromium Interim Measures and Characterization Work Plan," dated May 31, 2023.

EM-LA submitted the Chromium Interim Measures and Characterization Work Plan (Work Plan) to NMED on September 29, 2022. NMED reviewed the Work Plan for a period of 244 days. Upon receipt of the May 31, 2023, Notice of Disapproval (NOD), EM-LA and their Los Alamos Legacy Cleanup Contractor Newport News Nuclear-BWXT, LLC (N3B) began assessing the comments NMED provided as support for the NOD.

Given that some of NMED's comments pertained to occurrences subsequent to the submission of the Work Plan but during the 244-day review period, and pursuant to Section XXIII.G of the 2016 Compliance Order on Consent, EM-LA requested a meeting with NMED to discuss the NOD comments. This meeting was held on July 24, 2023, and represents EM-LA's response to the NOD.

As a conclusion to this meeting, the parties agreed that subsequent meetings would take place to discuss the EM-LA detailed draft response to NMED NOD comments. Ultimately, this would lead to a revised Work Plan. EM-LA agrees the Work Plan will be revised following successful completion of the follow-up meetings to discuss NMED NOD comments.

Please note that EM-LA takes issue with several NMED comments that were not a part of the original discussion about data gaps leading to the Work Plan or occurred after the Work Plan was already submitted to NMED for review and comment; this includes but is not limited to the following NMED NOD comments:

- On November 21, 2022, NMED directed DOE in an email to not restart operations at CrEX-1, CrEX-2, CrEX-3, CrIN-1, CrIN-2, and CrIN-3, which had been offline due to electrical issues. (Gen. Comment 1)
- On December 12, 2022, NMED Ground Water Quality Bureau directed DOE in a letter (*Corrective Action Plan Response and Further Action Required, Los Alamos National*

Laboratory Underground Injection Control Wells, DP-1835) to cease all injections authorized under Discharge Permit 1835 (DP-1835) by April 1, 2023. (Gen. Comment 1)

- The Work Plan must be revised to include a proposal from DOE for an investigation activity that will achieve the regulatory requirement to implement an alternative injection well location for the treated water. (Gen. Comment 2)
- Inclusion of most recent synoptic potentiometric surface maps using dates collaboratively identified with NMED, generated for three depths, if possible, based on the availability of data. (Gen. Comment 32)
- Revision of figures to include current data that includes the reduced pumping conditions from October 2022 to March 2023. (Gen. Comment 36)

If you have any questions, please contact Clark Short at (505) 551-2942 (clark.short@em-la.doe.gov) or Cheryl Rodriguez at (505) 414-0450 (cheryl.rodriguez@em.doe.gov).

Sincerely,



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Arturo Q. Duran For
Compliance and Permitting Manager
U.S. Department of Energy
Environmental Management
Los Alamos Field Office

cc (letter emailed):

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